



Thursday, February 15, 2007

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**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 72

Subject: Conduct a public hearing and approve an ordinance amending Title 25 of the City Code to establish additional requirements for the location of large retail uses ("Big Box retail")

Amount and Source of Funding: There is no unanticipated fiscal impact. A fiscal note is not required.

**Additional Backup
Material**

(click to open)

- Ordinance - PC recommendation
- Ordinance
- Planning Commission summary

For More Information: Susan Scallon, 974-2659

Boards and Commission Action: To be reviewed by the Planning Commission on January 30, 2007.

Prior Council Action: 11/16/06 - Council set the public hearing. 12/14/06 - Council approved on first reading. 12/14/06 Council set the public hearing for additional amendment to 1/25/07. 1/25/07 - postponed to February 1. On February 1, Council postponed the item to 2/15/07

Council considered an ordinance amendment establishing a large retail use of 100,000 square feet or more as a conditional use. Council approved the amendment for the conditional use on 1st reading on December 14, 2006, and also initiated an additional amendment to Chapter 25-2 of the City Code to provide that a large retail use of 100,000 square feet or more of gross floor area may be established as a permitted use by the City Council in a community commercial (GR) or less restrictive zoning district. The combined amendments relating to a large retail use are currently before Council.

On December 14, 2006, the City Council approved 1st reading for a code amendment to require a Conditional Use for large retail in certain districts. The proposed amendment provides that:

- A conditional use permit will be required for a large retail use with a gross floor area of 100,000 square feet or more;
- In addition to the existing code requirement for notification, all registered neighborhood associations within a one mile radius of the proposed retail use shall also receive written notice of the pending application; and
- The applicant will be required to post a 4' X 8' sign on the property visible to the public at the time of the City receiving the application. The sign will include information such as the City file number, type of action pending, names and phone numbers of the applicant or agents for additional information, and a description of the project which includes the size and use of the building.

The City Council initiated a proposed amendment to Chapter 25-2 of the City Code to provide that a large retail use of 100,000 square feet or more of gross floor area may be established as a permitted use by the City Council in a community commercial (GR) or less restrictive zoning district. The amendment further provides:

- that to ensure compatibility with surrounding uses, the City Council shall evaluate the zoning request in accordance with the same criteria contained in Section 25-5-145 used to evaluate Conditional Use Site Plans and may establish a conditional overlay consistent with the same conditions considered for Conditional Use Site Plans in Section 25-5-146,
- that the City Council may consider the potential for redevelopment of the site;
- that notice of an application shall be provided to all registered neighborhood associations within a one mile radius of the property, and
- the same requirements for signage as proposed for a conditional use application.

PLANNING COMMISSION RECOMMENDATION

ORDINANCE NO.

1 **AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO ADD**
2 **SECTION 25-2-813 RELATING TO LARGE RETAIL USES; AMENDING**
3 **SECTION 25-5-144 OF THE CITY CODE RELATING TO PUBLIC HEARING**
4 **AND NOTICE; AND AMENDING SECTION 25-5-145 OF THE CITY CODE**
5 **RELATING TO CONDITIONAL USE SITE PLAN EVALUATION.**

6
7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8
9 **PART 1.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-813 to
10 read:

11 **§ 25-2-813 LARGE RETAIL USES.**

12 (A) In this section, LARGE RETAIL USE means one of the following principal
13 uses, including its accessory uses, with 100,000 square feet or more of gross
14 floor area:

- 15 (1) agricultural sales and services use;
- 16 (2) art gallery use;
- 17 (3) art workshop use;
- 18 (4) automotive repair services use;
- 19 (5) automotive sales use;
- 20 (6) construction sales and services use;
- 21 (7) equipment sales use;
- 22 (8) food sales use;
- 23 (9) general retail services (convenience) use;
- 24 (10) general retail sales (general) use;
- 25 (11) liquor sales use,
- 26 (12) monument retail sales use;
- 27 (13) pawn shop services use;

- 1 (14) personal improvement services;
- 2 (15) pet services use;
- 3 (16) plant nursery use;
- 4 (17) recreational equipment sales use;
- 5 (18) restaurant (general) use;
- 6 (19) restaurant (limited) use;
- 7 (20) service station use;
- 8 (21) special use historic use; or
- 9 (22) veterinary services use.

10 (B) A large retail use is a conditional use.

11 **PART 2.** Section 25-5-144 (*Public Hearing And Notice*) of the City Code is amended to
12 add a new Subsection (C) to read as follows and reletter the remaining subsections
13 accordingly:

14 (C) This subsection applies to an application for approval of a large retail use
15 described in Section 25-2-813 (*Large Retail Uses*).

- 16 (1) In addition to the notice required by Subsection (B), the director shall
17 give notice to all registered neighborhood associations with boundaries
18 located within one mile of the site.
- 19 (2) The applicant shall post a sign on the site in a location that is within 25
20 feet of and visible from the public right-of-way. The sign must be at
21 least four feet by eight feet in size with lettering at least four inches high.
22 The sign must include the following information:
 - 23 (a) a statement that an application for approval of a conditional use site
24 plan has been filed;
 - 25 (b) the city file number;
 - 26 (c) the name, address, and telephone number of the applicant or agent;
27 and
 - 28 (d) a description of the proposed development, including the size and
29 use of the building.

1 **PART 3.** Section 25-5-145(C) (*Evaluation Of Conditional Use Site Plan*) of the City
2 Code is amended to read:

3 (C) A conditional use site plan may not:

- 4 (1) more adversely affect an adjoining site than would a permitted use;
- 5 (2) adversely affect the safety or convenience of vehicular or pedestrian
6 circulation, including reasonably anticipated traffic and uses in the area;
7 [~~or~~]
- 8 (3) adversely affect an adjacent property or traffic control through the
9 location, lighting, or type of a sign; or
- 10 (4) for a large retail use described in Section 25-2-813 (*Large Retail Uses*),
11 adversely affect the future redevelopment of the site.

12 **PART 4.** This ordinance takes effect on _____, 2006.

13 **PASSED AND APPROVED**

14
15
16
17 _____, 2006

§
§
§

Will Wynn
Mayor

18
19
20
21
22 **APPROVED:** _____
23 David Allan Smith
24 City Attorney

22 **ATTEST:** _____
23 Shirley A. Gentry
24 City Clerk

ORDINANCE NO.

1 **AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO ADD**
2 **SECTION 25-2-813 RELATING TO LARGE RETAIL USES; AND AMENDING**
3 **SECTION 25-5-145 OF THE CITY CODE RELATING TO CONDITIONAL USE**
4 **SITE PLAN EVALUATION.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7
8 **PART 1.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-813 to
9 read:

10 **§ 25-2-813 LARGE RETAIL USES.**

11 (A) In this section, LARGE RETAIL USE means one of the following principal
12 uses, including its accessory uses, with 100,000 square feet or more of gross
13 floor area:

- 14 (1) agricultural sales and services use;
- 15 (2) art gallery use;
- 16 (3) art workshop use;
- 17 (4) automotive repair services use;
- 18 (5) automotive sales use;
- 19 (6) construction sales and services use;
- 20 (7) equipment sales use;
- 21 (8) food sales use;
- 22 (9) general retail services (convenience) use;
- 23 (10) general retail sales (general) use;
- 24 (11) liquor sales use;
- 25 (12) monument retail sales use;
- 26 (13) pawn shop services use;

- 1 (14) personal improvement services;
- 2 (15) pet services use;
- 3 (16) plant nursery use;
- 4 (17) recreational equipment sales use,
- 5 (18) restaurant (general) use;
- 6 (19) restaurant (limited) use;
- 7 (20) service station use;
- 8 (21) special use historic use; or
- 9 (22) veterinary services use.

10 (B) This section does not apply in a:

- 11 (1) planned unit development (PUD) district;
- 12 (2) traditional neighborhood (TN) district; or
- 13 (3) transit oriented development (TOD) district.

14 (C) A large retail use is allowed only in a community commercial (GR) or less
15 restrictive zoning district.

16 (D) A large retail use is a conditional use, unless the council establishes it as a
17 permitted use in an ordinance zoning or rezoning property.

18 (E) If the council permits a large retail use:

- 19 (1) a principal use described in Subsection (A) that is a prohibited use in the
20 applicable zoning district remains a prohibited use; and
- 21 (2) a principal use described in Subsection (A) that is a conditional use in
22 the applicable zoning district remains a conditional use, and land use
23 commission review of that conditional use is required in accordance with
24 Chapter 25-5, Article 3 (*Land Use Commission Approved Site Plans*).

25 (F) Additional notice is required for a large retail use in an application for zoning
26 or rezoning or conditional use site plan, as prescribed in this subsection.

1 (1) In addition to the notice required by Subchapter B, Division 3 (*Notice Of*
2 *Filing; Director's Report*) or Division 4 (*Public Hearing; Action*) or by
3 Section 25-5-144 (*Public Hearing And Notice*) the director shall give
4 notice to all registered neighborhood associations with boundaries
5 located within one mile of the site.

6 (2) The applicant shall post a sign on the site in a location that is within 25
7 feet of and visible from the public right-of-way. The sign must be at
8 least four feet by eight feet in size with lettering at least four inches high.
9 The sign must include the following information:

10 (a) a statement that an application for approval of a zoning or rezoning
11 or a conditional use site plan, as applicable, for a large retail use has
12 been filed;

13 (b) the city file number;

14 (c) the name, address, and telephone number of the applicant or agent;
15 and

16 (d) a description of the proposed development, including the size and
17 use of the building.

18 (G) In determining whether zoning or rezoning for a large retail use is appropriate,
19 the council shall consider whether the large retail use complies with the
20 following standards.

21 (1) A large retail use must:

22 (a) comply with the requirements of this title;

23 (b) comply with the objectives and purposes of the zoning district,

24 (c) have building height, bulk, scale, setback, open space, landscaping,
25 drainage, access, traffic circulation, and use that is compatible with
26 the use of an abutting site;

27 (d) provide adequate and convenient off-street parking and loading
28 facilities; and

29 (e) reasonably protect persons and property from erosion, flood, fire,
30 noise, glare, and similar adverse effects.

31 (2) A large retail use may not:

- 1 (a) more adversely affect an adjoining site than would a permitted use;
- 2 (b) adversely affect the safety or convenience of vehicular or
- 3 pedestrian circulation, including reasonably anticipated traffic and
- 4 uses in the area;
- 5 (c) adversely affect an adjacent property or traffic control through the
- 6 location, lighting, or type of a sign;
- 7 (d) adversely affect the future redevelopment of the site, or
- 8 (e) adversely affect the public health, safety, or welfare, or materially
- 9 injure property.

10 (H) In an ordinance zoning or rezoning property to permit a large retail use, the

11 council may include a requirement for:

- 12 (1) a special yard, open space, buffer, fence, wall, or screen;
- 13 (2) landscaping or erosion control;
- 14 (3) a street improvement or dedication, vehicular ingress and egress, or
- 15 traffic circulation;
- 16 (4) signs;
- 17 (5) characteristics of operation, including hours of operation;
- 18 (6) a development schedule; or
- 19 (7) other measures that the council determines are required for compatibility
- 20 with surrounding uses, the preservation of public health, safety, or
- 21 welfare, or compliance with the standards in Subsection (G).

22 **PART 2.** Section 25-5-145(C) (*Evaluation Of Conditional Use Site Plan*) of the City

23 Code is amended to read:

24 (C) A conditional use site plan may not:

- 25 (1) more adversely affect an adjoining site than would a permitted use;
- 26 (2) adversely affect the safety or convenience of vehicular or pedestrian
- 27 circulation, including reasonably anticipated traffic and uses in the area;
- 28 [~~or~~]

1 (3) adversely affect an adjacent property or traffic control through the
2 location, lighting, or type of a sign; or

3 (4) for a large retail use described in Section 25-2-813 (Large Retail Uses),
4 adversely affect the future redevelopment of the site.

5 **PART 3.** This ordinance takes effect on _____, 2007.

6 **PASSED AND APPROVED**

7
8 §
9 §
10 _____, 2007 § _____
11 Will Wynn
12 Mayor
13

14
15 **APPROVED:** _____
16 David Allan Smith
17 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

CITY PLANNING COMMISSION

January 30, 2007

City Hall – Council Chambers

301 W. 2nd Street

1st Floor

Annotated & Summary Agenda

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:12 P.M.

ADJOURNED: 11:48 P.M

_____ Tracy Atkins

_____ Jay Reddy – Vice-Chair

_____ Perla Cavazos

_____ Chris Riley

_____ Mandy Dealey - Parliamentarian

_____ Gary Stegeman

_____ Cid Galindo - Secretary

_____ Dave Sullivan - Chair

_____ Sandra Kirk

All Present

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request
7. Primary presentation (5 minutes)
8. Others opposing the request (3 minutes).
- 9 Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion The Commission does not consider items earlier than the time stated on the agenda, "Other Business" items can be taken at any time After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION OR CITIZENS THAT ARE UNABLE TO SPEAK BUT WOULD LIKE TO MAKE THE COMMISSION AWARE OF THEIR POSITION ARE REQUESTED to REGISTER BY SIGNING A CARD AT THE ENTRANCE.

Any interested party aggrieved by a decision of the Planning Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Planning Commission

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The

Commission may also recommend zoning that includes combining districts such as mixed use, conditional overlays, or other combining districts

AGENDA POSTING & POSTPONEMENT POLICIES

AGENDA POSTING POLICY

Normally when placing an item on a future agenda, commissioners should inform the chair prior to a meeting and announce the item under Items from Commission at the end of the agenda

If the topic is of a sensitive nature or may be considered outside the scope of the Commission's charge, then the chair may request that it be presented to the Executive Committee for consideration prior to being placed on the agenda.

- An item that arises during the conduct of a meeting may be announced during the pertinent discussion or at the end of the meeting.
- If no objection is raised to the posting of an item, a vote and a second on the posting will not be required
- If a disagreement arises on the posting of an item, the Commission will act upon the posting by a motion and vote.

POSTPONEMENT POLICY

General Policy Anyone may request a postponement of a public hearing by following the instructions provided below Individual commissioners may request postponements to be voted on by the full Commission. Note that requests for postponements of Neighborhood Plans or the rezonings that stem from Neighborhood Plans are strongly discouraged, and will not be granted except in extraordinary circumstances Examples may include a significant defect in the planning process (e.g lack of notification) or the availability of relevant and significant information that was not available during the planning process (e.g the development of the Airport Overlay Zone around Austin-Bergstrom International Airport).

To Request a Postponement:

1. **Write a letter to the case manager** (case manager's name is provided in the agenda item under "City Staff") that includes 1) the date/time the letter was delivered to city staff, 2) the reason for requesting postponement, 3) requested postponement date
2. **Ensure that the case manager or the Planning Commission Coordinator receives your letter by the beginning of the Planning Commission meeting.** Do not send requests for postponement directly to the Planning Commission Letters to the Planning Commission Coordinator may be mailed or faxed to the address/number given below, or hand delivered to 505 Barton Springs Road, 5th floor.
3. **Attend the Commission meeting in case the request for postponement is discussed.**

CORRESPONDENCE WITH THE PLANNING COMMISSION

E-mail E-mail addresses for individual Commissioner's are available on the last page of this agenda

Mail Neighborhood Planning & Zoning Department
Attn. Planning Commission Coordinator
P O. Box 1088, Austin TX, 78767

Fax Fax (512) 974-6054
Attn: Planning Commission Coordinator

MORE INFORMATION

Planning Commission Web Page.
COA Development Web.

www.cityofaustin.org/smartgrowth/pc.htm
www.cityofaustin.org/development/

Facilitator Robert Heil, 974-2330
City Attorney Ross Crow, 974-2159

6:00 P.M.

PUBLIC HEARING

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

- 1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

PAUL CRUZ – ENVISION CENTRAL TEXAS (Advocating for Comprehensive, Transportation & Urban Planning); CAMPO (Future growth patterns)

**Commissioner Galindo requested to have this item on the February 13, 2007, agenda.*

APPROVAL OF MINUTES

- 2 Approval of minutes from December 12, 2006

***APPROVED MINUTES FOR DECEMBER 12, 2006; BY CONSENT.
[G.STEGEMAN, C.RILEY 2ND] (8-0-1) T.ATKINS – ABSTAINED***

CODE AMENDMENT

- 3. **Code** C20-07-001
Amendment:
Request: Discussion and Action regarding proposed amendments to LDC Chapter 25-2, Subchapter E (Design Standards and Mixed Use), Sections 4.3.2 and 4.3.5.
Staff: George Adams, 974-2146, george.adams@ci.austin.tx.us
Neighborhood Planning & Zoning Department
Deborah Thomas, 974-2172, deborah.thomas@ci.austin.tx.us
Law Department

APPROVED STAFF'S RECOMMENDATION WITH INCLUSION THAT ONCE THE OPT-IN/OPT-OUT PROCESS HAS BEEN COMPLETED, THEN THAT OPTION IS VOIDED.

[J.REDDY, C.RILEY 2ND] (9-0)

Facilitator Robert Heil, 974-2330

City Attorney Ross Crow, 974-2159

4. Code C20-06-010

Amendment:

Request:

This proposed amendment to Chapter 25-2 of the City Code provides that a large retail use of 100,000 square feet or more of gross floor area may be established as a permitted use by the City Council in a community commercial (GR) or less restrictive zoning district. The amendment further provides: 1) that to ensure compatibility with surrounding uses, the City Council shall evaluate the zoning request in accordance with the same criteria contained in Section 25-5-145 used to evaluate Conditional Use Site Plans and may establish a conditional overlay consistent with the same conditions considered for Conditional Use Site Plans in Section 25-5-146. 2) that the City Council may consider the potential for redevelopment of the site. 3) that notice of an application shall be provided to all registered neighborhood associations within a one mile radius of the property. 4) additional signage requirements.

Staff:

Susan Scallon, 974-2659, susan.scallon@ci.austin.tx.us
 Watershed Protection & Development Review

MOTION MADE TO:

1 Approve the December 14 City Council meeting version of the big box ordinance, with the following changes:

(a) Substitute language from the 1/24/07 draft, Part 1(A), which closes the adjacent structure loophole by tying the tying together square footage of primary and accessory uses.
(b) Add the new Part 2(C)(4) from the 1/24/07 draft, which provides for considering possible effects future re-use of big box sites

2 Recommend the City Council consider creating a new zoning district or overlay that allows large retail development as a permitted use. Suggested elements may include: sites should be close to major highways; sites should be clearly labeled on zoning maps so anyone can readily identify big box retail sites; setback requirements should generally track the site development setback standards required for major industrial (MI) uses (e.g., >50 ft) and may provide such requirements as vegetative buffers

3. Notice requirements for proposed big box developments should also include notice to area business owners who rent their workplaces or establishments.

[J.REDDY; S.KIRK 2ND] (9-0)

NEIGHBORHOOD PLAN

- 5. Neighborhood Plan:** **NP-05-0021 (PART) - East Riverside/Oltorf Combined Neighborhood Plan (PART)**
 - Location: 1818 S Lakeshore Boulevard, Town Lake Watershed, Riverside NPA
 - Owner/Applicant: City of Austin-Neighborhood Planning & Zoning Dept.
 - Agent: City of Austin-Neighborhood Planning & Zoning Dept.
 - Request: Conduct a public hearing to consider adopting portions of the East Riverside/Oltorf Combined Neighborhood Plan, specifically a tract located within the Riverside Neighborhood Planning Area.
 - Staff Rec.: **Recommended**
 - Staff: Melissa Laursen, 974-7226, melissa.laursen@ci.austin.tx.us
Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN (PART).
[M.DEALEY, J.REDDY 2ND] (9-0)***

Related Zoning Case

- 6. Rezoning:** **C14-05-0112 (PART) - Riverside Neighborhood Plan (PART)**
 - Location: 1818 S. Lakeshore Boulevard, Town Lake Watershed, Riverside NPA
 - Owner/Applicant: City of Austin-Neighborhood Planning & Zoning Dept.
 - Agent: City of Austin-Neighborhood Planning & Zoning Dept.
 - Request: MF-3 to MF-3-NP
 - Staff Rec.: **Recommended**
 - Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Melissa Laursen, 974-7226, melissa.laursen@ci.austin.tx.us
Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR MF-3-NP ZONING.
[M.DEALEY, J.REDDY 2ND] (9-0)***

NEIGHBORHOOD PLAN AMENDMENT

- 7. Neighborhood Plan Amendment: NPA-06-0019.01 - East Avenue Planned Unit Development (PUD)**
 Location: 3400 N IH-35 (Concordia University), Waller Creek Watershed, Hancock NPA
 Owner/Applicant: Concordia Lutheran College /East Avenue I.G L.P.
 Agent: Alice Glasco (Alice Glasco Consulting)
 Request: To change the future land designation at 3400 N. IH-35 (Concordia University) within the Central Austin Combined Neighborhood Planning Area from CIVIC to HIGH-DENSITY MIXED-USE
 Staff Rec.: **Alternative recommendation of MIXED-USE**
 Staff: Mark Walters, 974-7695, mark.walters@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***POSTPONED TO 02/13/07 (STAFF)
 [G.STEGEMAN, C.RILEY 2ND] (9-0)***

Related Zoning Case (to #8)

- 8. Rezoning: C814-06-0175 - East Avenue PUD**
 Location: 3400 North IH- 35 Service Road, Waller Creek and Boggy Creek Watershed, Central Austin Combined - Hancock NPA
 Owner/Applicant: Concordia University (David Kluth)
 Agent: Alice Glasco Consulting (Alice Glasco)
 Armbrust and Brown, LLP (Richard Suttle)
 Request: GO-NP, LO-MU-NP, and CS-MU-NP to PUD-NP
 Staff Rec.: **Recommended with Conditions**
 Staff: Jorge Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

PULLED; NO ACTION REQUIRED

- 9. Neighborhood Plan Amendment: NPA-06-0015.01 - Springdale Road- East MLK**
 Location: 0 (21.12 Ac of Abs 22 Sur 29 Tannehill JC) Springdale Road, Little Walnut Watershed, East MLK NPA
 Owner/Applicant: City of Austin (Seiders Family Trust, Et. Al)
 Agent: Peter Cesaro
 Request: From Open Space to Mixed Use
 Staff Rec.: **RECOMMEND APPROVAL**
 Staff: Kathleen Welder, 974-2856, Kathleen.Welder@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

***APPROVED THE SPRINGDALE ROAD-EAST MLK NEIGHBORHOOD PLAN AMENDMENT; WITH AMENDED CHANGE FROM OPEN SPACE TO MIXED USE.
 [J.REDDY, T.ATKINS 2ND] (9-0)***

Related Zoning Case (to #10)

- 10. Rezoning: C14-06-0221 - Springdale Road- East MLK**
 Location: 0 (21.12 Ac. of Abs 22 Sur 29 Tannehill JC) Springdale Road, Little Walnut Watershed, East MLK NPA
 Owner/Applicant: City of Austin (Seiders Family Trust, Et. Al)
 Agent: Peter Cesaro
 Request: P-NP to GR-MU-CO-NP
 Staff Rec.: **GR-MU-CO-NP and MF-3-NP**
 Staff: Jerry Rusthoven, 974-3207, jerry.rusthoven@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

APPROVED GR-MU-CO-NP, PROHIBIT MULTI-FAMILY RENTAL; AND SF-6-NP ZONING.

[J.REDDY, T.ATKINS 2ND] (9-0)

- 11. Neighborhood Plan Amendment: NPA-06-009.02 (associated with C14-06-0162) - Los Abogados Gueros**
 Location: 1214 E 7th Street, Waller Creek Watershed, Central East Austin NPA
 Owner/Applicant: Los Abogados Gueros (James. W. Evans)
 Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps)
 Request: From Single Family to Office
 Staff Rec.: **Denial**
 Staff: Katie Halloran, 974-3509, Katie.Halloran@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 03/13/07 (APPLICANT)

[G.STEGEMAN, C.RILEY 2ND] (9-0)

Related Zoning Case (to #12)

- 12. Rezoning: C14-06-0162 (associated with NPA-06-009.02) - Los Abogados Gueros**
 Location: 1214 E 7th Street, Waller Creek Watershed, Central East Austin NPA
 Owner/Applicant: Los Abogados Gueros (James W. Evans)
 Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps)
 Request: From SF-3-NP to GO-NP
 Staff Rec.: **Denial**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 03/13/07 (APPLICANT)

[G.STEGEMAN, C.RILEY 2ND] (9-0)

DISCUSSION AND ACTION ON ZONING CASES

13. Rezoning: C14H-06-0038 - Thomas Cranfill House
 Location 1901 Cliff Street, Shoal Creek Watershed, Caswell Heights NPA
 Owner/Applicant: George and Matilde Schade
 Agent: Elizabeth Churchill
 Request: SF-3-CO-NP to SF-3-CO-NP-H
 Staff Rec.: **Recommended**
 Staff: Beth Wilson, 974-3524, beth.wilson@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

PULLED; NO ACTION REQUIRED BY COMMISSION.

14. Rezoning: C14-06-0234 - The Mohawk
 Location: 912 Red River Street, Waller Creek Watershed, Downtown NPA
 Owner/Applicant: Jim Bennett Consulting
 Agent: Jim Bennet
 Request: CS-1 to CBD
 Staff Rec : **Recommendation Pending; Staff requests a postponement to February 13, 2007**
 Staff: Jorge Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

POSTPONED TO 02/13/07 (STAFF)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

15. Rezoning: C14-06-0121 - The Domain
 Location: 10700-11000 Burnet Road, 11100-11900 Burnet Road, 2800 Block of Braker Lane, and 3300 West Braker Lane, Walnut Creek Watershed, North Burnet / Gateway NPA
 Owner/Applicant: RREEF Domain, L.P. (Chad Marsh)
 Agent: Drenner+Golden, Stuart, Wolff, LLP. (Michele Hausmann)
 Request: MI-PDA to MI-PDA
 Staff Rec.: **Recommended with conditions**
 Staff: Jorge Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

POSTPONED TO 02/13/07 (STAFF)
[G.STEGEMAN, T.ATKINS 2ND] (9-0)

- 16. Rezoning: C14-04-0196.01 - Horn Building**
 Location: Guadalupe Street and Avenue A, Waller Creek Watershed, Hyde Park North NCCD NPA
 Owner/Applicant: Horn Building Partnership (Richard Horn)
 Request: The Owner / Applicant is requesting to allow Hospital Services Limited use for Property that is zoned GO, General Office district in the Avenue A and Guadalupe Districts of the Hyde Park North NCCD. The proposed amendment would allow the property at 4611 Guadalupe Street to be used for a Hospital Services Limited use.
 Staff Rec.: **Recommended**
 Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (APPLICANT)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 17. Rezoning: C14-06-0188 - 1406 Parker Lane**
 Location: 1406-1506 Parker Lane, Town Lake Watershed, Riverside NPA
 Owner/Applicant: Diepenbrock, Schleber, Hackett & Colman
 Agent: LOC Consultants (Sergio Lozano-Sanchez)
 Request: SF-3 to MF-4
 Staff Rec.: **Not Recommended**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (APPLICANT)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 18. Rezoning: C14-06-0210 - Burger King**
 Location: 7105 N IH 35 Service Road, Buttermilk Branch Watershed, St Johns NPA
 Owner/Applicant: Leemak, LP (Fazıl Malik)
 Agent: A. J. Ghaddar, P.E. and Associates (A. J. Ghaddar)
 Request: LI to CS
 Staff Rec.: **Alternative Recommendation of CS-CO**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING WITH RESTRICTIVE COVENANT IN PLACE.

**Commission would like to make shade trees a requirement on St. John's and the access roads.*
[J.REDDY, P.CAVAZOS 2ND] (9-0)

- 19. Rezoning: C14-06-0211 - Valdez Zoning**
 Location: 2819-2823 Manor Drive, Boggy Creek Watershed, Rosewood NPA
 Owner/Applicant: Valdez Trust (F. Gary & Doyle Valdez)
 Agent: Alice Glasco Consulting (Alice Glasco)
 Request: LR-MU-NP to CS-MU-NP
 Staff Rec.: **Alternative Recommendation of CS-MU-CO-NP**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION OF CS-MU-CO-NP WITH AMENDED CONDITIONS OF:

- **MAXIMUM OF 2000 DAILY VEHICLE TRIPS;**
- **MAXIMUM 40-FEET HEIGHT LIMIT;**
- **MINIMUM OF 10% GROSS SQUARE FEET OF RETAIL;**
- **MINIMUM OF 20% GROSS SQUARE FEET OF RESIDENTIAL;**
- **MUST USE COMMERCIAL DESIGN STANDARDS.**

[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 20. Rezoning: C14-06-0220 - The Bungalows**
 Location: 2206-2210 Thornton Road, West Bouldin Creek Watershed, South Lamar NPA
 Owner/Applicant: Thornton Cottages LP (James Austin)
 Agent: Stansberry Engineering (Blayne Stansberry)
 Request: SF-5-CO to SF-4B-CO
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION OF SF-4B-CO ZONING WITH ADDITION THAT NUMBER OF UNITS OVER 14 (15-18) WOULD BE 50% MFI.

[C.GALINDO, P.CAVAZOS 2ND] (9-0)

- 21. Rezoning: C14-06-0226 - Perry Road**
 Location: 1141 1/2 - 1127 Perry Road, Boggy Creek Watershed, Govalle NPA
 Owner/Applicant: Perry Equity Partners, LLC (Chris Kager)
 Agent: Perry Equity Partners, LLC (Chris Kager)
 Request: SF-3 to SF-4A (Request from the applicant for a postponement until February 13)
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (APPLICANT)

[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 22. Rezoning: C14-06-0229 - Encinco Trace**
 Location: 5707 Southwest Parkway, Batton Creek Watershed, Oak Hill NPA
 Owner/Applicant: Carl & Verne Roe Family Trust (Carl Roe)
 Agent: Drenner & Golden Stuart, Wolff LLP (Michelle Rogerson)
 Request: From DR to GO
 Staff Rec.: **PULLED - No Action Necessary (will be renotified)**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

PULLED; NO ACTION REQUIRED BY COMMISSION.

- 23. Rezoning: C14-06-0230 - Nomad Wine & Cheese**
 Location: 1213 - 1215 Corona Drive, Tannehill Branch Watershed, Windsor Park NPA
 Owner/Applicant: Sam Callihan
 Agent: Permit Me (Maureen Morphey)
 Request: From CS to CS-1-CO
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR CS-1-CO ZONING.
 [J.REDDY, M.DEALEY 2ND] (9-0)***

- 24. Rezoning: C14-06-0231 - Gloyd/Quiroz Rezoning**
 Location: 7219 Mowinkle Drive, Barton Creek Watershed, Oak Hill NPA
 Owner/Applicant: Bob Gloyd and Danny Quiroz
 Agent: Frie Planning and Consulting (Ross Frie)
 Request: RR to SF-1
 Staff Rec : **Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***POSTPONED TO 02/13/07 (NEIGHBORHOOD)
 [J.REDDY, M.DEALEY 2ND] (9-0)***

- 25. Rezoning: C14-06-0109 - Lakeshore PUD**
 Location: South Lakeshore Drive, Town Lake Watershed, Riverside NPA
 Owner/Applicant: Lakeshore LTD (Jim Porter)
 Agent: Armbrust & Brown LLP (Dave Armbrust)
 Request: From MF-3 to PUD
 Staff Rec.: **Approval (Postponement by staff to 2/13/07)**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***POSTPONED TO 02/13/07 (STAFF)
 [G.STEGEMAN, C.RILEY 2ND] (9-0)***

Facilitator Robert Heil, 974-2330
 City Attorney Ross Crow, 974-2159

- 26. Rezoning: C14-07-0003 - Manor Road**
 Location: 4611 Manor Road, Tannehill Branch Watershed, MLK NPA
 Owner/Applicant: American Cancer Society (John Martin)
 Agent: Davcar Engineering (Jim Herbert)
 Request: From PUD-NP to SF-4A-NP
 Staff Rec.: **Postponement by staff until 2/13/07**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (STAFF)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

DISCUSSION AND ACTION ON SITE PLAN CASES

- 27. Site Plan - SPC-05-0027A - Encore House Revision 1**
Conditional Use
Permit:
 Location: 1109 E 52nd St., Tannehill Branch Watershed, Windsor Park NPA
 Owner/Applicant: Eugene Mees
 Agent: Clark, Thomas & Winters, PC (John Joseph Jr.)
 Request: Request approval to revise a conditional use permit to increase the number of beds for a transitional home from 35 to 58.
 Staff Rec : **Not Recommended**
 Staff: Donna Cerkan, 974-2733, donna.cerkan@ci.austin.tx.us
 Sue Welch, 974-3294, Sue.Welch@ci.austin.tx.us,
 Watershed Protection and Development Review Department

THE CUP WAS APPROVED WITH THE FOLLOWING CONDITIONS:

It was approved pending compliance with the parking (25-5-147-B-2) If they do not get their parking within 60 days, the site plan expires (25-5-148).

The following were also added to the conditions, (actual conditions in **bold**, the rest is explanation of applicable comments)

- **Successful enforcement of rules & regulations**
 - through Bannum's contract (this was added by Commissioner Dealy—I said I was not sure how this could be enforced, and explained that we could not have any conditions that included any agency outside of COA)
- **Do a restrictive covenant with immediate neighbors & neighborhood associations**
- The restrictive covenant has an **insurance bond of \$15K**, for use by the neighbors if Bannum does not comply with the restrictive covenant,
- **have an on-site manager,**
- **have 24-hour security,**
- **employees must walk property daily,** and
- **add a prohibition on state/county releasees** (the commissioners went back and forth as to whether it should be releasees, or probationers, parolees, etc). This condition really restricts the use to a Federal contract PC understood that no conditions could be made concerning any agency outside of the COA. Commission made the motion with the understanding that if any conditions were illegal, those conditions would not stand

[M.DEALEY, J.REDDY 2ND] (8-1) D.SULLIVAN – NAY

Facilitator Robert Heil, 974-2330
 City Attorney Ross Crow, 974-2159

28. Site Plan/waivers only: SP-06-0408C - Brownstone Arms

Location: 1206 Elm Street, Town Lake (Urban) Watershed, Old West Austin NPA
 Owner/Applicant: Brownstone Arms LTD (David W Roberts)
 Agent: Pate Engineers (Michael Fisher)
 Request: Request approval of a waiver. (1.) 25-2-1062(C) reduce the compatibility setback to 18.5 feet along the northern property line, 5-foot on the southern property boundary, and 16-feet along the rear boundary Postponed on 12-12-06 by neighborhood.
 Staff Rec.: **recommended**
 Staff: Javier Delgado, 974-7648, javier.delgado@ci.austin.tx.us
 Watershed Protection and Development Review Department

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[G.STEGEMAN, C.RILEY 2ND] (9-0)

29. Site Plan - Conditional Use Permit: SPC-06-0037A.SH - Lifeworks Resident Shelter

Location: 3708 South 2nd Street, West Bouldin Creek Watershed, Bouldin NPA
 Owner/Applicant: Youth and Family Alliance, Inc.
 Agent: Austin Civil Engineering
 Request: Request approval of a conditional use permit for congregate living. Postponed 12-12-06 by Staff.
 Staff Rec.: **Recommended**
 Staff: Javier Delgado, 974-7648, javier.delgado@ci.austin.tx.us
 Watershed Protection and Development Review Department

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[G.STEGEMAN, C.RILEY 2ND] (9-0)

DISCUSSION AND ACTION ON SUBDIVISION CASES

30. Final Without Preliminary: C8-06-0188.0A - Replat of Cliffs of Westridge (aka Baron's Bluff)

Location: 1913 Westridge Drive, Barton Creek (In Barton Springs Zone)
 Watershed, Bouldin NPA

Owner/Applicant: Barbara B LLC (Beth Watley)

Agent: Vaughn & Associates (Rick Vaughn)

Request: Approval of the Replat of Cliffs of Westridge composed of 2 lots on 1 3 acres and the applicant requests a **VARIANCE** from Section 25-4-151 of the Land Development Code which requires streets in new subdivisions align with existing streets. The variance is to not extend Westridge Drive

Staff Rec.: **Recommended.**

Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
 Watershed Protection & Development Review Department

APPROVED STAFF'S RECOMMENDATION WITH ADDITION TO INCLUDE A PEDESTRIAN EASEMENT THAT CONNECTS TO EACH SIDE OF WESTRIDGE DRIVE. [S.KIRK, G.STEGEMAN 2ND] (9-0)

31. Total Subdivision Vacation: C8-03-0027.0a(VAC) - Cliffs of Westridge

Location: 1913 Westridge Drive, Barton Creek (In Barton Springs Zone)
 Watershed, Bouldin NPA

Owner/Applicant: Barbara B LLC (Beth Watley)

Agent: Vaughn & Associates (Rick Vaughn)

Request: Approval of the total vacation of the approved Cliffs of Westridge final plat.

Staff Rec.: **Recommended.**

Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
 Watershed Protection & Development Review Department

APPROVED STAFF'S RECOMMENDATION WITH ADDITION TO INCLUDE A PEDESTRIAN EASEMENT THAT CONNECTS TO EACH SIDE OF WESTRIDGE DRIVE. [S.KIRK, G.STEGEMAN 2ND] (9-0)

STATUTORY DISAPPROVAL CASES

- 32. Final without Preliminary:** **C8-07-0008.0A - Clubview Terrace Subdivision**
 Location: 6010 E. Riverside Drive, Country Club Creek Watershed, Montopolis NPA
 Owner/Applicant American Affordable Home, L.P. (Gene Watkins)
 Agent: Stansberry Engineering Co (Blayne Stansberry)
 Request: Approval of the Clubview Terrace Subdivision composed of 2.5 acres on 1 lot.
 Staff Rec.: **DISAPPROVAL**
 Staff: Watershed Protection & Development Review
- 33. Final without Preliminary:** **C8-07-0007.0A - Govalle Plaza Subdivision**
 Location. 2915 E Cesar Chavez St, Colorado River Watershed, Govalle NPA
 Owner/Applicant: John Lewis
 Agent: Jon Neslund (Bury & Partners)
 Request: Approval of the Govalle Plaza Subdivision on 9 077 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Watershed Protection & Development Review
- 34. Subdivision Final Without Prelim:** **C8-07-0005.0A - Champion Toyota Services**
 Location: Weidemar Ln., Williamson Creek Watershed, East Congress NPA
 Owner/Applicant RI/RMT Acquisition, Ltd. (Bob Olufs)
 Agent: Corridor Consulting (Tim Hunter)
 Request. Approval of the Champion Toyota Services subdivision of 8.58 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Watershed Protection & Development Review
- 35. Resubdivision:** **C8-07-006.0A - Banister Heights Resubdivision**
 Location: 1403-1503 Morgan Ln., West Bouldin Creek Watershed, South Lamar NPA
 Owner/Applicant: Karl Haussman
 Agent. Austin Civil Engineering (Brent Hammond)
 Request: Approval of the Banister Heights Resubdivision composed of 2 lots on 0.4993 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Watershed Protection & Development Review

**#32-#35; DISAPPROVED BY CONSENT.
 [G.STEGEMAN, C.RILEY 2ND] (9-0)**

B. OTHER BUSINESS
ITEMS FROM THE COMMISSION

1. Report from the Committee Chairs

COMPREHENSIVE PLAN – FEBRUARY 6, 2007 @ 6:00 P.M. – CITY HALL
CODES & ORDINANCES – FEBRUARY 20, 2007 @ 6:00 P.M.
NEIGHBORHOOD PLAN – FEBRUARY ?

- 2. Other Business:**

Request: Discussion and action on the 2006-2007 Report & Workplan.

- 3. Other Business:**

Request: Discussion and action on scheduling changes to Planning Commission by-laws; suggested date February 13, 2007.

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Dora Anguano, Neighborhood Planning & Zoning Department, at 974-2104, for information, text phone users route through Relay Texas at (800) 735-2989.

Facilitator Robert Heil, 974-2330
City Attorney Ross Crow, 974-2159

<p>Mrs. Perla Cavazos 1202 Tuffit Lane Austin, TX 78753 E-mail Address. pcavazos_planning@yahoo.com</p>	<p>Mr. Jay Reddy 5507 Avenue G Austin 78751 Contact Phone (512)723-4102 E-mail Address jay_reddy@dell.com</p>
<p>Mr. Gary Stegeman 5926 Rickerhill Lane Austin, TX. 78739 Contact Phone. (512)479-1642 E-mail Address stegeman@texas.net</p>	<p>Mr. Chris Riley 1310 San Antonio Austin 78701 Contact Phone (512)476-7600 E-mail Address chrisriley@rusklaw.com</p>
<p>Ms. Mandy Dealey 1210 W 13th Street Austin, TX 78703 E-mail Address: amdealey@aol.com</p>	<p>Mr. Cid Galindo 411 Brazos Street, Suite 99 Austin 78701 E-mail Address cidg@galindogroup.com</p>
<p>Ms. Sandra Kirk 2117 Clifton Street Austin, TX 78704 Contact Phone. (512)447-1058 E-mail Address Sandra_Kirk@sbcglobal.net</p>	<p>Mr. David Sullivan 1710 Waterston Ave Austin, 78703 Contact Phone (512)476-7872 E-mail Address. sully_jumpnet@sbcglobal.net</p>
<p>Ms. Tracy Atkins 4608 Shoalwood Ave Austin, TX. 78756 Contact Phone: (512) 297-4493 E-mail Address tracy.atkins@gmail.com</p>	

STANDING COMMITTEES

<i>Committee</i>	CIP Meets Quarterly	Codes & Ordinances. Meets 3rd Tuesday at 6:00pm	Comprehensive Plan Meets 1st Tuesday at 6:00pm	Neighborhood Planning Meets 2nd Wednesday at 3:30 pm	Executive Meets 1st Wednesday at 8:00 a.m.	Liaison
<i>Committee Members</i>	Riley Sullivan Stegeman Cavazos	Reddy Sullivan Dealey Stegeman Kirk Riley	Galindo Stegeman Dealey Sullivan Cavazos Kirk	Galindo Dealey Reddy Riley	Riley Sullivan Reddy Dealey	Riley
<i>Staff</i>	George Adams 974-2146	Sonya Lopez 974-7694	Mark Walters 974-7695	Mark Walters 974-7695	George Adams 974-2146	

Facilitator Robert Heil, 974-2330
City Attorney Ross Crow, 974-2159